UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

March 25, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

FILED

BY:	NM
	DEPUTY

RONALD SMITH,

Plaintiff.

V.

CIVIL NO. SA: 5:23-CV-00881-OLG

GUADALUPE COUNTY, TEXAS, HUNTER SAENZ, ROBERT LOCKER, JIMMY GONZALEZ,

Defendants.

ORDER

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The Court has considered United States Magistrate Judge Chestney's Report and Recommendation, filed February 22, 2024 (Dkt. No. 18), concerning Defendants' Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) (Dkt. No. 8).

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). Smith, through counsel, was electronically served with a copy of the recommendation on February 23, 2024 and timely filed his objections on March 1, 2024. Dkt. No. 19. Individual defendants, through counsel, were electronically served with a copy of the recommendation on February 23, 2024 and Defendants Hunter Saenz, Robert Locker, and Jimmy Gonzalez timely filed their objections on March 7, 2024. Dkt. No. 20. Defendant Guadalupe County did not file any objections.

When a party objects to a recommendation, the Court must make a de novo determination as to "any part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3); see United States. v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. Battle v. U.S. Parole Com'n, 834 F.2d 419, 421 (5th Cir. 1987) (quoting Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982), overruled on

other grounds by Douglass v. U.S. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. Wilson, 864 F.2d at 1221.

I. Smith's Objections

Smith objects to the Magistrate Judge's recommendation that all claims brought against Guadalupe County be dismissed. Dkt. No. 19. The Court has conducted an independent review of the record and applicable law as to the matters raised in Smith's objections. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court finds the Magistrate Judge correctly determined that Smith fails to sufficiently plead claims against Guadalupe County based on (1) municipal liability under Section 1983 and (2) disability discrimination under the ADA and Rehabilitation Act.

II. Individual Defendants' Objections

The individual defendants object to the Magistrate Judge's recommendation that Defendants' motion to dismiss be denied as to (1) Fourth Amendment excessive force claims against Saenz and Gonzalez, (2) Fourth Amendment malicious prosecution claims against Saenz and Locker, and (3) Fourth Amendment false arrest claims against Saenz and Locker. *See* Dkt. No. 20.

After de novo review, the Court rejects Defendants' objections and agrees with the Magistrate Judge. With regard to the malicious prosecution claim, the allegations in the pleading meet the requisite elements. The claim arose on August 11, 2022 when the underlying criminal prosecution ended without a conviction. *See* Dkt. No. 7, p. 18.

Accordingly, the Court ACCEPTS the Magistrate Judge's recommendation (Dkt. No. 18). For the reasons stated in the recommendation, Defendants' Motion to Dismiss (Dkt. No. 8) is GRANTED as to Smith's claims against Guadalupe County; GRANTED as to Smith's Fourth

Amendment excessive force claim against Locker; and otherwise **DENIED**. All claims asserted against Guadalupe County are **DISMISSED**.

It is so **ORDERED**.

SIGNED this day of March, 2024.

ORLANDO L. GARCIA United States District Judge